

United States Senate

WASHINGTON, DC 20510

February 8, 2011

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder,

In the last two years, the rate of foreclosure filings near military bases rose 32 percent. More than 20,000 veterans, active-duty servicemembers, and reservists lost their homes last year — the highest number since 2003. And there have been recent reports regarding violations of the Servicemembers Civil Relief Act (SCRA) that have led to military families being wrongly evicted from their homes. These reports must be addressed. The SCRA, the intent of which is to protect our servicemembers, must be consistently and strictly enforced.

The SCRA provides for the temporary suspension of judicial and administrative proceedings and actions that may adversely affect servicemembers during military service. Key provisions include limiting the interest rate on debts incurred prior to a person's entry into active duty military service, and prohibiting military families from being evicted from rental or mortgaged property, from cancellation of life insurance, and from taxation in multiple jurisdictions. When appropriately enforced, these protections help ensure servicemembers can fully focus on their duties while defending our nation.

Two of our nation's largest banks have for years been foreclosing on deployed servicemembers' homes and overcharging interest on their debts, and there are numerous reports of similar violations at other mortgage companies. Clearly the SCRA is not being adequately enforced. Indeed, it appears from the Department of Justice's own records that no case has been brought for mortgage violations under SCRA since December 2008. There are reports that banks have reimbursed military families for the value of their foreclosed home years after they are evicted. The fact that such "too little, too late" actions would even be necessary — or deemed sufficient reparation — underscores the importance of better SCRA enforcement.

The Veterans' Benefits Act of 2010 became Public Law 111-275 on October 13, 2010. P.L. 111-275 authorizes the U.S. Attorney General to commence civil action against any person or company who engages in a pattern or practice of violating the SCRA or engages in a violation of the SCRA that raises an issue of significant public importance. Surely mass foreclosures by some of our largest mortgage servicers in violation of servicemembers' rights would qualify as an issue of significant public importance. In addition, Courts may assess a civil penalty for violations in order to vindicate the public interest.

The Department of Justice must use its full legal authority to commence civil action against offenders of the SCRA and provide overdue justice to those who serve our country.

I appreciate your consideration of this important and timely issue, and I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Sherrod Brown". The signature is written in a cursive, flowing style.

Sherrod Brown
United States Senator